

REMARKS

Claims 1-12 are pending in the present Application. Claim 2 has been amended, leaving claims 1-12 for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors, as explained in detail below. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Office Action, it is purportedly not clear as whether or not the component layer and the light emission layer are the same.

The rejection has been rendered moot in view of the amendment thereto. The light-emitting layer of amended Claim 2 contains a phosphorescent compound and further contains the compound of formula 1. In contrast, the component layer, as claimed, contains the compound of formula 1.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-4, 6-8, and 12 stand rejected under 35 U.S.C. § 102(a), as allegedly anticipated by JP 2002-308837 (hereinafter JP '837). Applicants respectfully traverse this rejection.

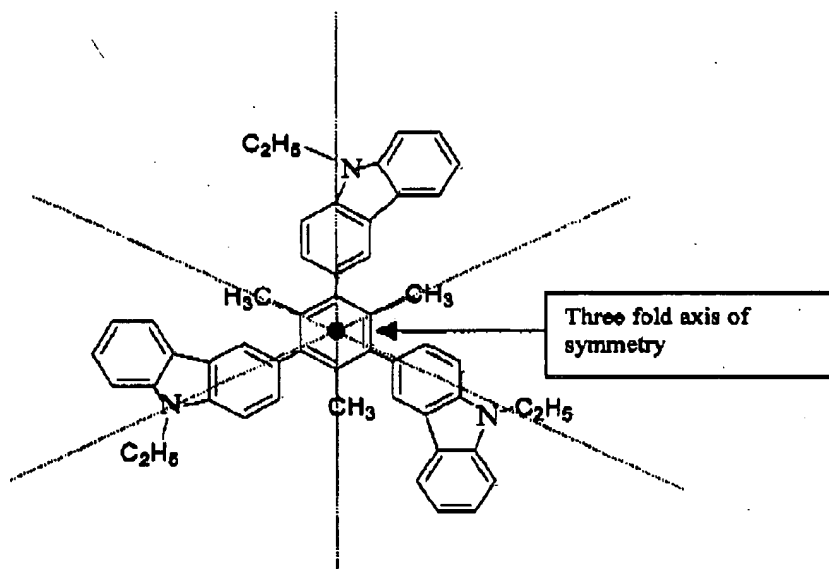
Applicants' Claim 1 is directed to an organic electroluminescent element comprising a component layer including a light emission layer, wherein the light emission layer contains a phosphorescent compound, and the component layer contains a compound represented by the

following formula 1: $A-(Z)_n$, wherein A represents a substituted or unsubstituted aromatic ring residue; n is a natural number of from 3 to 6; and Z represents a monovalent organic group represented by the following formula 2: $-L-Cz$, provided that formula 1 does not

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have an n-fold axis of symmetry, wherein L represents a chemical bond or a divalent linkage group; and Cz represents a substituted or unsubstituted carbazole residue.

The JP '837 reference is generally directed to electroluminescent displays. The Examiner rejects independent Claim 1 because the JP '837 reference discloses a compound referred to as HT-7 that purportedly reads on formula 1 as claimed. For convenience, the HT-7 compound as disclosed in the JP '837 reference has the following structure shown below.



HT-7

The Examiner further comments that the HT-7 compound does not have a 3-fold axis of symmetry. However, in reviewing the above-noted compound, it is readily apparent that the HT-7 compound does have a 3-fold axis of symmetry as shown above. Given that there is a 3-fold axis of symmetry, there can be no anticipation.

Accordingly, it is respectfully requested that the rejection be withdrawn since Applicants claim a component layer formed of a compound represented by a formula that does not have an n-fold axis of symmetry.

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Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1 and 9-11 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over JP '837 in view of US Patent Publication No. 2003/0205696 to Thoms (hereinafter Thomas). Applicants respectfully traverse this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

For reasons previously discussed, the primary reference, JP '837, does not disclose or even suggest component layer formed of a compound represented by a formula that does not have an n-fold axis of symmetry. As noted above, the HT-7 compound does have a 3-fold axis of symmetry. Thoms fails to compensate for the deficiencies of JP '837. Rather, like JP '837, the Thoms reference also refers to compounds having an three-fold axis of symmetry.

Accordingly, for at least this reason, a *prima facie* case of obviousness has not been established by the cited references, individually or in combination, and the rejection is requested to be withdrawn.

Double Patenting

The claims are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 and 5-7 of copending Application No. 10/718,025. Applicants respectfully request the rejection to be withdrawn.

Filed concurrently herewith is a provisional Terminal Disclaimer.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

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If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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